

Application No.: 10/081627

Docket No.: 00306-00203-US

REMARKS

Applicants respectfully request reconsideration in view of the amendment and following remarks. The applicants have amended the proviso in independent claims so that no phosphate ester surfactant is included (see claims 1, 29 and 63). Support for this amendment can be found in the specification at page 1, lines 26-28 and page 3, lines 1-3.

The applicants thank Examiner Clardy for permitting the applicants to interview the application on August 17, 2004. The applicants discussed amending the claims to exclude phosphate ester surfactants. In addition, the applicants discussed amending claim 1 to correct the phrase "comprising of" to "comprising". An agreement was reached as indicated on the interview summary report. Again, the applicants thank Examiner Clardy and believe that the interview helped expedite prosecution.

Claims 1-60 are again rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Roberts et al. U.S. Patent No. 5,877,112 ("Roberts") and Turner, "Effects on glyphosate performance of formulation, additives and mixing with other herbicides", Chapter 15 in *The Herbicide Glyphosate*. Grossbard et al., eds p. 221-240 (1985). The applicants respectfully traverse this rejection.

The applicants have amended the claims so that no phosphate ester surfactant is included in the applicants' claimed invention. Roberts is discussed in the applicants' specification at page 1, lines 21-29. The advantage of the invention is that it is practiced without the required expensive phosphate ester surfactant of Roberts. The applicants have been able to achieve a less expensive way of obtaining formulation stability than using the expensive phosphate ester surfactants as required by Roberts (see again, page 1, lines 26-28 of the specification).

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Therefore, Roberts teaches away from the applicants' claimed invention. For the above reasons, this rejection should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

A one month extension fee has been paid. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 00306-00203-US from which the undersigned is authorized to draw.

Respectfully submitted,

By

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